

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Thomas J. Tucker

**STIPULATION THAT CLAIM NOS. 1885 AND 3776 ARE RESOLVED BY
THE DPCOA CBA AND THE CITY'S CONFIRMED PLAN OF
ADJUSTMENT AND FOR ORDER ALLOWING WITHDRAWAL OF
DPCOA CLAIM NOS. 1885 AND 3776 AS MOOT**

The City of Detroit, Michigan (“City”) and the Detroit Police Command Officers Association (“DPCOA”), by and through their undersigned counsel, hereby stipulate to the entry of an Order Confirming that Claim Nos. 1885 and 3776 Are Resolved by the DPCOA Collective Bargaining Agreement (the “DPCOA CBA”) and the City’s Confirmed Plan of Adjustment and Allowing Withdrawal of DPCOA Claim Nos. 1885 and 3776 as Moot, in the form attached as Exhibit A. In support of their request, the City and the DPCOA state the following:

1. On February 20, 2014, the DPCOA filed Claim No. 1885.
2. Claim No. 1885 is a protective claim, which was filed during ongoing, Court-ordered mediation between the City and the DPCOA in these Chapter 9 proceedings. Claim 1885 asserts current and former DPCOA members’ rights to a defense and indemnification from the City.

3. On June 10, 2014, the DPCOA filed Claim No. 3776, which amended Claim No. 1885 for notice purposes only.

4. On June 18, 2014, the City and the DPCOA entered into a collective bargaining agreement (the “DPCOA CBA”) that was ratified by DPCOA members, approved by the state and incorporated into the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (the “Plan of Adjustment”). See Plan of Adjustment and Exhibit II.D.5 thereto [Docket Nos. 8045; 8045-10, p. 28]. The Plan of Adjustment was confirmed by this Court pursuant to its November 12, 2014 Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit [Docket No. 8272].

5. The City and the DPCOA agree that the terms as written of the DPCOA CBA require the City to provide a defense and indemnification to current and former DPCOA members on terms and conditions set forth in the DPCOA CBA. The City and the DPCOA further agree that such defense and indemnification claims have been and are being addressed by the City in the ordinary course of its business.

6. In the Plan of Adjustment, the City sought to discharge certain claims against City officers or employees acting in their individual capacity, some of whom are current or former members of the DPCOA, and certain claimants objected to that discharge. The Confirmation Order granted, in part, the objection to the discharge of those claims against officers acting in their individual capacity. See Confirmation

Order [Docket No. 8272, ¶¶3, 22, 27 and 30.] In its December 31, 2014 Supplemental Opinion Regarding Plan Confirmation, the Court based this ruling, in part, on the City's assumption of the obligation to defend and indemnify affected City officers and employees in its collective bargaining agreements with its public safety unions. [Docket No. 8993, pp. 199-200].

7. In light of the City's assumption of its obligations to defend and indemnify current and former DPCOA members through the DPCOA CBA, the City and the DPCOA assert and ask this Court to confirm that claims asserted by Claim Nos. 1885 and 3776 are moot.

8. The City and the DPCOA further agree that (a) the rights of current and former members of the DPCOA to a defense or indemnification from the City are controlled by terms as written of the DPCOA CBA, as incorporated into the Plan of Adjustment; (b) Claim Nos. 1885 and 3776 should be withdrawn as moot; (c) as a result of the withdrawal of Claim Nos. 1885 and 3776, the DPCOA and its members will have no right to receive any distribution in these bankruptcy proceedings based on Claim Nos. 1885 and 3776; and (d) as required by the Plan of Adjustment, any further disputes involving the right of any current or former DPCOA member to a defense or indemnification from the City shall be governed by the DPCOA CBA and shall be resolved by the parties in the ordinary course of

the City's business pursuant to applicable state law, including applicable City ordinances and any applicable procedures provided by the DPCOA CBA.

WHEREFORE, the parties request the Court enter an Order in the form attached hereto as Exhibit A.

STIPULATED AND AGREED:

/s/ Barbara A. Patek

Barbara A. Patek, Esq.
Co-counsel for Creditor – DPCOA
400 Galleria Officentre, Suite 444
Southfield, MI 48034
(248) 827-4100

bpatek@ermantiecher.com

-and-

/s/Mary Ellen Gurewitz

Mary Ellen Gurewitz (P25724)
2211 E. Jefferson Avenue, Suite 200
Detroit, MI 48207
(313) 965-3464

/s/ Mary Beth Cobbs

Mary Beth Cobbs (P40080)
Attorney for Debtor – City of Detroit
2 Woodward, Suite 500
Detroit, MI 48226
(313) 237-3075

-and-

/s/ Letitia C. Jones

Letitia C. Jones (P52136)
Attorney for Debtor – City of Detroit
2 Woodward, Suite 500
Detroit, MI 48226
(313) 237-3002

February 4, 2016

EXHIBIT A
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

----- X
:
In re :: Chapter 9
CITY OF DETROIT, MICHIGAN, :: Case No. 13-53846
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----- X

ORDER APPROVING STIPULATION TO WITHDRAW CLAIMS #1885
and 3776 FILED BY DPCOA AS MOOT

This case is before the Court on the Stipulation for Entry of an Order Confirming that Claim Nos. 1885 and 3776 are resolved by the DPCOA CBA and the City's Confirmed Plan of Adjustment and Allowing Withdrawal of DPCOA Claim Nos. 1885 and 3776 as Moot filed on February 4, 2016 (Docket # _____, the "Stipulation"). Based on the Stipulation,

IT IS HEREBY ORDERED THAT Claim Nos. 1885 and 3776 filed on behalf of Detroit Police Command Officers Association are withdrawn as moot.